

MAUNE.RAICHLE.HARTLEY.FRENCH & MUDD, LLC

David L. Amell, Esq. (State Bar No. 227207)

Rabiah N. Oral, Esq. (State Bar No. 319905)

1900 Powell Street, Suite 200

Emeryville, California 94608

Telephone: (800) 358-5922

Facsimile: (314) 241-4838

damell@mrhfmlaw.com

roral@mrhfmlaw.com

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL R. MARCUS and VICTORIA L. MARCUS,

Plaintiffs,

vs.

AIR & LIQUID SYSTEMS CORPORATION,
et.al.

Defendants.

Case No.: 4:22-cv-09058-HSG

[Alameda County Superior Court Case No.:
22CV021840]

**STIPULATION OF DISMISSAL
WITHOUT PREJUDICE; ORDER**

Courtroom: 02, 4th Floor

District Judge: Hon. Haywood S. Gilliam Jr.

Filed in State Court: November 15, 2022

Removed to NDCA: December 21, 2022

Trial Date: August 26, 2024.

1 **TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that, pursuant to Federal Rule of Civil Procedure Section
3 41(a)(1)(A)(i)(ii), Plaintiffs Michael R. Marcus and Victoria L. Marcus (“Plaintiffs”) and
4 Defendant Flowserve US, Inc., Individually and as Successor-in-Interest to Durametallc
5 Corporation (“Defendant”) hereby stipulates as follows:

6 1. On November 15, 2022, Plaintiffs filed their Complaint for Personal Injury and Loss
7 of Consortium – Asbestos in the Superior Court of the State of California, Couty of Alameda
8 Case No. 22CV021840.

9 2. On December 21, 2022, the above action was removed to the United States District
10 Court, Northern District of California, Case No. 4:22-09058.


11 4. On January 12, 2024, Plaintiffs and Defendant reached an agreement of all claims in
12 this action.

13 Based on the foregoing facts, Plaintiffs and Defendant stipulate and agree to the
14 following:


15 This Court should dismiss this Action in its entirety against Defendant Flowserve US,
16 Inc., Individually and as Successor-in-Interest to Durametallc Corporation, only, without
17 prejudice. Each party to bear its own fees and cost.

18 DATED: January 23, 2024

Maune Raichle Hartley French & Mudd LLC

19 By: 
20 Rabiah N. Oral
21 Attorney for Plaintiffs

22 DATED: January 23, 2024

By: 
23 Nicole Brown Yuen, Esq.
24 Attorney for Flowserve US, Inc.,
25 Individually and as Successor-in-Interest to
26 Durametallc Corporation


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ORDER

Having read and considered the foregoing stipulation of parties, and good cause appearing:

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATE: 2/5/2024



Hon. Haywood S. Gilliam, Jr.
UNITED STATES DISTRICT COURT JUDGE